

REMARKS

Section 112 Rejections

Applicant has amended Claims 29 and 30 to address the issues raised by the Examiner in the Office Action. Accordingly, Applicant respectfully requests that the Section 112 rejections be withdrawn.

Section 102 Rejections

The Office Action's 102 rejections are unsupportable. "Gravity" is not a "actuator" as claimed.

New claims 32, 33, 34, 35, 36 and 37 claim structure that is not disclosed, suggested, motivated or taught by the Schramm reference or individually or in combination with the other references. Nor do the elements of the presently pending claims reflect mere design choices among the elements in the prior art. Nor under KSR analysis do the elements of Schramm alleged to be in the presently pending claims perform the same functions.

The Schramm reference teaches connection of a pull rod (73, 74) to a support arm (65, 66) indirectly, that is, through a spring (69, 70). Thus Schramm teaches away from a rigid connection between a support arm and an extension thereof onto which the actuator is attached, which is recited in new claim 32.

The structure between the wheels in Figures 9 and 10 of the Schramm reference is not an actuator. It is a latch and slot that requires a manual release of the latch so that the trailer falls from the force of gravity, not from any actuation, allowing the back end of the trailer 46 to fall to the ground and the pull rod 74 to slide through the slot 77, *see* column 4, lines 16 through 60. It is readily apparent to anyone of skill in the art that the device that releases the pull rods to allow the trailer to fall must be between the two wheels, between the two axles and between the two

support rods in order to operate. The device disclosed in Schramm would be inoperable if it were anywhere else. New claim 33 recites just that; that the actuator be located somewhere that is not between the two support arms.

New claim 34 claims that the actuation of raising and lowering the trailer not be manual. In the Schramm reference a human being must undo the latch 80 in order for the trailer to fall. This teaches away from the automatic actuation of the presently claimed trailer through the use of a hydraulic actuator.

The actuation of the present device forces the trailer down, hydraulically, in the depicted embodiment, and forces it back up again. As pointed out above, and also acknowledged by the office action, actuation of the Schramm device is by gravity, not through an actuator. New claim 35 structurally recites this distinction.

Schramm teaches a shock absorption system that can be manipulated to raise and lower the trailer as well, *see*, column 5, lines 19 through 41. Hence it must have springs to attenuate shock between its connecting link, or actuator and the support arms. Thus it teaches away from the elements and functions of the presently recited claims. Schramm also teaches a manually operated system, which teaches away from the automatic system from the presently pending claims.

Finally, any combination of the Schramm device with hydraulic, powered actuator as presently claimed is inoperable. It only takes a moment's application of common sense to see that if a load is put on the Schramm device, and a force such as a hydraulic actuator is applied on the elements 73 and 74 that are read on the connecting link of the present claims in the office action, that the force would simply bend the springs 69 and 70 rather than raising the trailer. That is why the elements read by the office action as being connecting links are not connecting

links but are what they are described as being, “pull rods”, *see*, column 4, lines 34 – 37. Any combination of prior art references would be inoperable to execute the movement and function of the structure presently recited in the pending claims. Accordingly, there is no combination in the prior art references of record that can support a proper § 103 rejection for obviousness.

Section 103 Rejections

As set forth above, Applicant submits that the claimed invention is patentable over Schramm and Williamson. Applicant further submits that Cash and Collins do not make up for the deficiencies of Schramm and Williamson. Accordingly, Applicant respectfully requests that the Section 103 rejections be withdrawn.

Conclusion

For commercial and economic reasons, rather than appeal the previously pending claims which were allowable over the art of record, applicant hereby elects to submit the above non-narrowing claims in order to put the claims in clear condition for allowance. If the Examiners feel any aspect of the submitted amendments fails to particularly point out and distinctly claim structure that is patentably distinct over the prior art of record, applicant requests an interview.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J.A. Leinauer', followed by a stylized flourish.

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